

Amendment No. 2 to SB0918

Rose
Signature of Sponsor

AMEND Senate Bill No. 918*

House Bill No. 1319

by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Honor Our Flags Act."

SECTION 2. Tennessee Code Annotated, Section 4-1-406, is amended by adding the following as a new subsection:

(c)

(1) A flag other than the United States flag and the official state flag must not be flown on a public building that is owned by this state or a political subdivision of this state, or on the campus of an educational institution.

(2) Subdivision (c)(1) does not:

(A) Apply to a flag protected by § 4-1-412;

(B) Prohibit the P.O.W.-M.I.A. flag from being flown pursuant to title 58, chapter 4, part 3;

(C) Prohibit a department or agency of this state from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or

(D) Prohibit a political subdivision, a department, agency, or entity of this state, or a postsecondary institution of higher education, from flying one (1) or more official flags.

(3) This section must not be construed or applied to impair or infringe upon a person's freedom of speech in violation of the Constitution of Tennessee, Article I, § 19, or the First Amendment of the United States Constitution.

(4) As used in this subsection (c), "political subdivision" has the same meaning as defined in subsection (b).

SECTION 3. Tennessee Code Annotated, Section 5-7-109, is amended by deleting subsection (a) and substituting instead the following:

(a) A county mayor of a county whose courthouse is equipped with a flag pole may request and be furnished with a flag of the state of Tennessee, which must be flown continuously by the county authority pursuant to § 4-1-406(c).

SECTION 4. Tennessee Code Annotated, Section 49-6-2005, is amended by deleting the section and substituting instead the following:

(a) A flag other than the United States flag and the official state flag must not be flown on the campus of a public school.

(b) Subsection (a) does not:

(1) Apply to a flag protected by § 4-1-412;

(2) Prohibit the P.O.W.-M.I.A. flag from being flown pursuant to title 58, chapter 4, part 3;

(3) Prohibit a public school from flying the P.O.W.-M.I.A. flag on March 29 of each year in observance of "Vietnam Veterans Day"; or

(4) Prohibit a public school from flying one (1) or more official school flags or the official flag of the political subdivision in which the school is located.

(c) This section must not be construed or applied to impair or infringe upon a person's freedom of speech in violation of the Constitution of Tennessee, Article I, § 19, or the First Amendment of the United States Constitution.

(d) As used in this section, "political subdivision" means an incorporated city or town, county, or metropolitan government.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it.